

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Judy Thomas,

Plaintiff,

v.

Jones Day,

Defendant,

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Civil Action No. 1:21CV10245-WGY

ORDER WITH RESPECT TO MEDIATION

NEIMAN, U.S.M.J.

The parties are hereby notified that the court has scheduled a mediation conference on **February 24, 2022, at 10:00 a.m.**, by Video Conference. Counsel are directed to be present with their respective clients or representatives thereof without limitation on their authority to negotiate and commit to settlement terms that, in their discretion, may be acceptable. It shall be understood (a) that all parties and counsel will participate in this court-sponsored mediation in good faith and with the interest of settling the matter on mutually acceptable terms, (b) that the entire mediation process, including all communications during any in-person, video or audio part thereof, is confidential, (c) that all statements made during the course of mediation are privileged settlement discussions, made without prejudice to any party's legal position, and inadmissible for any purpose in any legal proceeding, (d) that no party, participant, or representative shall seek in any proceeding to hereafter compel the mediator to testify and/or produce any document with respect to the mediation, and (e) that all parties, counsel and other participants agree that, by participating in this court-sponsored mediation, they are bound by these conditions and shall keep confidential all communications exchanged during the mediation process.

By no later than **February 17, 2022**, each party shall provide under seal an updated confidential settlement memorandum of no more than four pages addressing with candor the following points:

A brief analysis of the key issues involved in the litigation, including a specific breakdown of the claimed damages.

1. A description of the strongest and weakest legal and factual points in the party's case.
2. A description of the strongest and weakest legal and factual points in the opponent's case.
3. The status of settlement negotiations, including the last settlement proposal made by each side. In this regard, counsel are directed to confer with their clients in advance of the mediation conference to explore the party's settlement position, and the parties are encouraged to exchange settlement proposals prior to the conference.
4. The settlement proposal that the party believes would be fair.
5. The settlement proposal that the party would be willing to make in order to conclude the matter at this time.

Each memorandum shall be sealed, held in confidence by the court and returned to the party at the conclusion of mediation. The memoranda shall be submitted to the court by email to Tamara_Figueroa@Mad.uscourts.gov.

In the event any party believes the case is not ripe for mediation, please notify other counsel and the court as soon as possible.

IT IS SO ORDERED.

DATED: November 23, 2021,

/s/ Kenneth P. Neiman
KENNETH P. NEIMAN
United States Magistrate Judge